

REQUEST FOR PROPOSALS

ISSUE DATE: <p style="text-align: center;">May 24, 2017</p>	NUMBER: <p style="text-align: center;">301-17-120</p>	PROPOSAL RETURN DATE AND HOUR: <p style="text-align: center;">August 16, 2017, no later than 2:00 PM</p>
TITLE: <p style="text-align: center;">Industrial Hemp Research Program ***For Public Institutions of Higher Education Only***</p>		CONTRACT PERIOD: <p>From contract award through December 31, 2018, with four (4) one-year renewal options</p>
PROPOSALS MAY BE MAILED OR DELIVERED TO ISSUING AGENCY: <p>Virginia Department of Agriculture and Consumer Services Oliver Hill Building, Office of Procurement 102 Governor Street Room 240 Richmond, VA 23219</p>		DIRECT INQUIRIES TO THE CONTRACTING OFFICER: <p>Betty Lowther, C.P.M., CPPB, VCO Director, Procurement & Support Services Email Address: betty.lowther@vdacs.virginia.gov Phone: (804) 225-3798 Fax: (804) 371-8372</p>

SPECIAL INSTRUCTIONS TO INSTITUTIONS:

1. Responses must be submitted on the forms provided in the Request for Proposals.
2. It is the institution's full responsibility to ensure the proposal is received by the agency at the location shown above on or before the date and time required. **Late proposals will not be accepted.**

IN COMPLIANCE WITH THIS REQUEST FOR PROPOSALS AND TO ALL CONDITIONS IMPOSED HEREIN, THE UNDERSIGNED OFFERS AND AGREES TO FURNISH ALL GOODS AND SERVICES IN ACCORDANCE WITH THE ATTACHED SIGNED PROPOSAL OR AS MUTALLY AGREED UPON BY SUBSEQUENT NEGOTIATIONS, AND THE UNDERSIGNED INSTITUTION HEREBY CERTIFIES THAT ALL INFORMATION PROVIDED BELOW AND IN ANY SCHEDULE IS TRUE, CORRECT AND COMPLETE.

PRINT FULL LEGAL NAME OF INSTITUTION (Name associated with Federal Taxpayer ID Number)		Federal Tax ID NUMBER	
PRINT INSTITUTION NAME/DBA NAME/TA NAME (If different than the Full Legal Name)			
PRINT ADDRESS			
AUTHORIZED SIGNATURE			DATE
PRINT NAME/TITLE			
E-MAIL ADDRESS	TELEPHONE NUMBER	TOLL FREE TELEPHONE NUMBER	FAX NUMBER
<small>*This public body does not discriminate against faith-based organizations in accordance with the <i>Code of Virginia</i>, § 2.2-4343.1, or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.</small>			

RETURN OF THIS PAGE IS REQUIRED (Tab 1.a.)

I. PURPOSE:

The purpose of this Request for Proposals is to solicit proposals to establish contracts with public institutions of higher education to directly manage an industrial hemp research program undertaken by the Virginia Department of Agriculture and Consumer Services (VDACS).

Period of performance: Beginning with contract award through December 31, 2018, with four (4) one-year renewal options.

II. STATEMENT OF NEEDS:

A. Overview:

Section 7606 of the federal Agricultural Act of 2014 permits an institution of higher education or a state department of agriculture to grow or cultivate industrial hemp if the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research. Chapter 41.1 (Va. Code § 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia authorizes the Commissioner of Agriculture and Consumer Services to establish and oversee an industrial hemp research program to be directly managed by public institutions of higher education.

B. Specific Requirements:

The public institution of higher education ("PIHE" or "institution") should develop an industrial hemp research program consisting of demonstration plots planted and cultivated in Virginia by growers licensed in accordance with § 3.2-4115 of the Code of Virginia.

An industrial hemp research program developed by a PIHE should focus on one or more of the following areas:

1. Oversee and analyze the growth of industrial hemp by licensed growers, for agronomy research and analysis of required soils, growing conditions, and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;
2. Conduct seed research on various types of industrial hemp that are best suited to be grown in Virginia, including seed availability, creation of Virginia hybrid types, propagation properties, and in-the-ground variety trials and seed production, and may establish a program to recognize certain industrial hemp seeds as being Virginia varieties of hemp seed;
3. Study the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in the Commonwealth;
4. Report on the estimated value-added benefits, including environmental benefits, to Virginia businesses of an industrial hemp market of Virginia-grown industrial hemp varieties;
5. Study the agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use;

6. Research and promote on the world market industrial hemp and hemp seed that can be grown on farms in the Commonwealth;
7. Promote research into the development of industrial hemp and commercial markets for Virginia industrial hemp and hemp products;
8. Study the feasibility of attracting federal or private funding for the Virginia industrial hemp research program; and
9. Study the use of industrial hemp in new energy technologies, including electricity generation, biofuels, or other forms of energy resources; the growth of industrial hemp on reclaimed mine sites; the use of hemp seed oil in the production of fuels; and the production costs, environmental issues, and costs and benefits involved with the use of industrial hemp for energy.

Obtaining Industrial Hemp Seed: The following options will be available for obtaining industrial hemp seed for research purposes:

- The PIHE may request that VDACS import the industrial hemp seed it intends to plant. The PIHE will not need to obtain a controlled substance registration from the U.S. Drug Enforcement Administration (DEA). The PIHE will be responsible for negotiating its seed purchase with seed suppliers, including the negotiation of seed and shipping costs and the terms of any material transfer agreement. The PIHE will be responsible for all seed and shipping costs and any related administrative fees. The PIHE will be responsible for ensuring that VDACS receives the information necessary for VDACS to apply for any required DEA controlled substance import permit. The PIHE shall have an established method for controlling and accounting for the hemp seed received from VDACS. The PIHE shall be responsible for tracking the location of hemp seeds and plants.
- The PIHE may obtain a controlled substance registration from DEA to obtain industrial hemp seed. This option offers the institution the ability to obtain seed directly from a seed supplier abroad and may offer the institution the ability to obtain seed from a DEA registrant in the U.S. The institution should confirm with the DEA the permissions granted by any DEA registration. The institution does not have to obtain a DEA registration prior to submitting a proposal.

Funding: There is no funding specifically allocated to VDACS for this research program. PIHEs participating in this research will not be compensated by VDACS as part of this Request for Proposals.

Costs: Section 3.2-4115 of the Code of Virginia authorizes the Commissioner of Agriculture and Consumer Services to establish an Industrial Hemp Grower's License application fee and the Department of State Police to charge a fee for the actual cost of processing a state and national fingerprint-based criminal history background check. Each application for an Industrial Hemp Grower's License must be accompanied by payment of \$45, which includes the application fee and background check fee.

Section 3.2-4115(K) of the Code of Virginia authorizes the Commissioner of Agriculture and Consumer Services to collect the cost of testing hemp for compliance with THC levels. VDACS will collect a THC testing fee of \$200 per sample taken from each PIHE.

Annual Report: Submission of an annual report by the PIHE to VDACS on the progress of the institution's research is required no later than September 1 of each year.

III. SUBMISSION REQUIREMENTS:

- A. **Submit 1 original proposal and four (4) copies along with an electronic copy** in Word format on a CD or encrypted flash drive to the VA Department of Agriculture and Consumer Services, Office of Procurement, Attn: Betty Lowther, 102 Governor Street, 2nd Floor, Richmond, VA 23219.
- B. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities. All documentation submitted with the proposal should be contained in that single volume. The original and copy of the proposal must be marked on the front cover as "original" or "copy".

All data, materials, and documentation originated and prepared for VDACS pursuant to this solicitation will be subject to public inspection in accordance with the Virginia Freedom of Information Act, unless specifically exempted.

- C. The proposal should be as thorough and detailed as possible so that the Evaluation Committee may properly evaluate the institution's capabilities to provide the proposed services. Each PIHE should submit the following items in its proposal as described below:

Tab 1: RFP cover sheet and all addenda acknowledgments, if any, signed and filled out as required.

Tab 2: Institution's plans and approach for providing the services as described in the Statement of Needs, including, but not limited to:

- 1. Project approach, including but not limited to, the following:
 - a. Option that will be used to procure seed;
 - b. Specific areas of research;
 - c. Proposed experimental procedures, including estimates regarding plot size, plot location(s), and quantity of plot(s) to be established;
 - d. Intentions for growing industrial hemp (i.e. on PIHE-owned or rented plots, contract with farmers to grow industrial hemp on private property, or both); and
 - i. If using contract growers, the process for selecting these growers. However, the proposal does not need to identify the growers; and
 - ii. Plans for developing a written agreement with each private grower participating in the PIHE's research; and
 - e. Timeframe for tasks identified and strategy for ensuring project deliverables. If any research activity is contingent upon securing funding to support that activity, please explain the contingency. However, the proposal does not need to include a research program budget.
- 2. Seed Accountability: Describe the proposed method of securing the hemp seed used as part of the research project.

Tab 3: Experience and qualifications of the research related to this project.

1. Include information about the project team;
2. Identify the project team member who will be the primary point of contact for VDACS for this project. Include the qualifications and experience of this individual as well as information on the individual who will be the backup if the primary point of contact is not available; and
3. Include previous experience with governmental entities.

IV. EVALUATION, AWARD CRITERIA AND AWARD:

- A. Proposals will be evaluated based upon the overall merits/value of the information provided in the institution's proposal in response to the RFP requirements. The evaluation criteria weights are:

Criteria	Maximum Points
Plans and approach for providing the services	70 points
Experience and qualifications	30 points

PIHEs are strongly encouraged to submit a comprehensive proposal fully addressing all applicable submission requirements. Failure to do so may result in the elimination of the proposal from consideration by VDACS.

- B. **AWARD:** Selection shall be made of the institutions deemed to be fully-qualified and best-suited among those submitting proposals on the basis of the evaluation factors included in this solicitation. VDACS may cancel this solicitation or reject proposals at any time prior to an award and is not required to furnish a statement of the reason why a particular proposal was not deemed to be the most advantageous.

V. TERMS AND CONDITIONS:

- A. **APPLICABLE LAWS AND COURTS:** This solicitation and any resulting contract shall be governed in all respects by the laws of the Commonwealth of Virginia, and any litigation with respect thereto shall be brought in the courts of the Commonwealth. VDACS and the institution are encouraged to resolve any issues in controversy arising from the award of the contract or any contractual dispute using Alternative Dispute Resolution (ADR) procedures (Code of Virginia § 2.2-4366). Each institution shall comply with all applicable federal, state and local laws, rules and regulations.
- B. **ETHICS IN PUBLIC CONTRACTING:** By submitting its proposal, each institution certifies that its proposal is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer, or subcontractor in connection with its proposal and that it has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
- C. **IMMIGRATION REFORM AND CONTROL ACT OF 1986:** By entering into a written contract with VDACS, the institution certifies that it does not, and shall not during the performance of the contract for

services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal *Immigration Reform and Control Act* of 1986.

- D. **CLARIFICATION OF TERMS:** If any institution has questions about the specifications or other solicitation documents, the institution should contact the contract officer whose name appears on the face of the solicitation no later than five working days before the due date. Any revisions to the RFP will be made only by addendum issued by VDACS.
- E. **QUALIFICATIONS OF INSTITUTIONS:** VDACS may make such reasonable investigations as deemed proper and necessary to determine the ability of each institution to perform the services, and each institution shall furnish to VDACS all such information and data for this purpose as may be requested. VDACS reserves the right to inspect each institution's physical facilities prior to award to satisfy questions regarding the institution's capabilities. VDACS further reserves the right to reject any proposal if the evidence submitted by, or investigations of, each institution fails to satisfy VDACS that such institution is properly qualified to carry out the obligations of the contract and to provide the services contemplated therein.
- F. **ASSIGNMENT OF CONTRACT:** A contract shall not be assignable by an institution in whole or in part without the written consent of VDACS.
- G. **CHANGES TO THE CONTRACT:** The parties may agree in writing to modify the terms, conditions, or scope of the contract. Any additional goods or services to be provided shall be of a sort that is ancillary to the contract goods or services or within the same broad product or service categories as were included in the contract award.
- H. **AUDIT:** Each institution shall retain all books, records, and other documents relative to this contract for five (5) years or until audited by VDACS or the Commonwealth of Virginia, whichever is sooner. VDACS, its authorized agents, or state auditors shall have full access to and the right to examine any of said materials during said period.
- I. **CANCELLATION OF CONTRACT:** VDACS reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to each institution. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve an institution of its obligation to deliver or perform on all outstanding orders issued prior to the effective date of cancellation.
- J. **IDENTIFICATION OF PROPOSAL ENVELOPE:** The signed proposal should be returned in an envelope or package, sealed and identified as follows:

RFP# 301-17-120	Industrial Hemp Research Program	August 16, 2017	2:00 PM EST
Solicitation Number and Title		Due Date	Time

From:

Name of Public Institution of Higher Education

Street or Box Number

City, State, Zip Code

Betty Lowther, Director Procurement & Support Services

Name of Contract Officer

The envelope should be addressed as directed on Page 1 of the solicitation. Proposals may be hand delivered to the designated location in the Office of Procurement. No other correspondence or other proposals should be placed in the envelope.

- K. **LATE PROPOSALS:** To be considered for selection, proposals must be received by the Office of Procurement by the designated date and hour. The official time used in the receipt of proposals is that time on the automatic time stamp machine in the Office of Procurement. Proposals received in the Office of Procurement after the date and hour designated are automatically disqualified and will not be considered. VDACS is not responsible for delays in the delivery of mail by the U.S. Postal Service, private couriers, or the intra Commonwealth mail system. It is the sole responsibility of the PIHE to ensure that the proposal reaches the Office of Procurement by the designated date and hour.
- L. **PROPOSAL ACCEPTANCE PERIOD:** Any proposal in response to this solicitation shall be valid for 30 days. At the end of the 30 days, the proposal may be withdrawn at the written request of the PIHE. If the proposal is not withdrawn at that time, it remains in effect until an award is made or the solicitation is canceled.
- M. **RENEWAL OF CONTRACT:** This contract may be renewed by VDACS upon written agreement of both parties for four (4) successive one-year periods, under the terms of the current contract, and at reasonable time (approximately 90 days) prior to the expiration.